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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 REYNALDO D. VINLUAN, an
individual,

11 Plaintiff,

12 v.

13 FIDELITY NATIONAL TITLE AND
14 ESCROW COMPANY, a Washington
corporation, et al.,

15 Defendant.
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CASE NO. C10-1289 RSM

ORDER OF REMAND

17 This matter is before the Court for consideration of plaintiff's unopposed motion for
18 remand. Dkt. #6. For the reasons set forth herein, the motion shall be granted.

19 Plaintiff filed this action to quiet title in King County Superior Court, alleging various
20 state law causes of action including wrongful foreclosure, defamation of title, and violation of
21 the Washington Consumer Protection Act, RCW 19.86 *et seq.* Dkt. # 2, p. 8. The complaint
22 also asserted a cause of action for violation of the Fair Debt Collection Practices Act. Dkt. # 2,
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1 p. 14. Although the caption of the complaint also referenced the Truth in Lending Act, 15
2 U.S.C. § 1662, *et seq.*, the complaint did not plead a cause of action under this statute. *Id.*

3 On August 11, 2010, defendant Fidelity National Title and Escrow timely removed the
4 case to this Court on the basis of the federal question in the complaint. Dkt. #1. No other
5 defendant has joined in the removal. Before any defendant filed a responsive pleading, plaintiff
6 amended the complaint, as a matter of right, to delete any federal claim, and then moved for
7 remand. Dkt. ## 5, 6. As no defendant has opposed the motion to remand, it shall be granted.
8 This is appropriate under the statute governing supplemental jurisdiction over state law claims
9 when no federal claim remains. 28 U.S.C. § 1367(c). “In the usual case in which all federal-law
10 claims are eliminated before trial, the balance of factors ... will point toward declining to exercise
11 jurisdiction over the remaining state-law claims.” *Acri v. Varian Associates*, 114 F.3d 999, 1001
12 (9th Cir.1997) (*en banc*).

13 Accordingly, plaintiff’s motion for remand is GRANTED, and this case is hereby
14 REMANDED to the King County Superior Court, Cause No. 10-2-27688-2SEA.

15 The Clerk shall close this file and send a certified copy of this Order to the Clerk of
16 Court for the King County Superior Court.

17 Dated September 27, 2010.

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21 RICARDO S. MARTINEZ
22 UNITED STATES DISTRICT JUDGE
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